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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOOPA VALLEY TRIBE,) Civ. No. 1:20-cv-1814-JLT-EPG
Plaintiff,)
v.)
UNITED STATES BUREAU OF) PLAINTIFF'S SUPPLEMENTAL
RECLAMATION; DEBRA ANNE HAALAND,) BRIEF IN SUPPORT OF MOTION
in her official capacity as Secretary of the) FOR ADMINISTRATIVE RELIEF -
Interior; MARIA CAMILLE CALIMLIM) TO EXCEED PAGE LIMITS ON
TOUTON, in her official capacity as) MOTION FOR SUMMARY
Commissioner of the United States Bureau of) JUDGMENT
Reclamation; ERNEST A. CONANT, in his)
official capacity as United States Bureau of)
Reclamation California-Great Basin Regional)
Director; and UNITED STATES)
DEPARTMENT OF THE INTERIOR)
Defendants.)

1 The following responds to the Court's April 5 minute order (Dkt. #166) relating to
2 Plaintiff's Motion for Administrative Relief - to Exceed Page Limits (Dkt. #165) for its
3 forthcoming Motion for Summary Judgment. As reported in Plaintiff's Motion (Dkt. #165), the
4 request to exceed pages limits is not opposed by either Defendants or Defendant-Intervenor
5 although they reserve their objections on whether summary judgment is appropriate given the
6 pendency of their Motions to Dismiss.

7 Plaintiff hereby confirms that it intends to seek summary judgment on all ten of its claims
8 presented in its Second Amended and Supplemental Complaint for Declaratory and Injunctive
9 Relief (Dkt. #142) and re-iterates its position that the default 25 page limit is insufficient to
10 adequately cover the factual and legal arguments related to those claims. As related to the
11 contracts challenged in this action, Plaintiff only intends to seek summary judgment relating to
12 the contracts executed by Defendants and Defendant-Intervenor and not contracts of non-parties
13 to this litigation.

14 Although the administrative record has not been filed in this case, all ten of Plaintiff's
15 claims are ripe for summary judgment because the relevant issues are legal in nature and any
16 material facts are not in dispute. Plaintiff's first, third, fourth, and fifth claims for relief
17 challenge the lawfulness (on varying legal grounds) of the contracts entered into between
18 Defendants and Defendant-Intervenor. The Court need only review the terms of the contracts as
19 approved, and the relevant legal requirements, to determine whether Defendants have satisfied
20 their relevant legal obligations. Plaintiff's second claim challenges Defendants' failure to
21 engage in NEPA review prior to executing the contracts and prior to approving the Winter Flow
22 Variability Project. This also presents a purely legal question. Plaintiff's sixth and seventh
23 claims relate to the undisputed denial of state court validation of Defendant-Intervenor's
24 principal water contract challenged herein and the purely legal question of the effect of that
25 denial of validation on the contract. Plaintiff's eighth claim challenges whether certain
26 documents known as the CVPIA Completion Memos are consistent, as a matter of law, with

1 governing legal requirements. Plaintiff's ninth claim challenges Defendants' rejection of
2 Hoopa's right of concurrence, which presents a question of statutory interpretation. Plaintiff's
3 tenth claim seeks judgment that Defendants' failure to take action to fulfill their nearly forty-
4 year-old statutory obligation to modernize and otherwise increase the effectiveness of the Trinity
5 River Hatchery is a violation of law. All these issues are currently ripe for summary judgment.

6 Plaintiff respectfully requests that the Court grant its motion to exceed page limits and
7 allow Plaintiff a total of 45 pages in its memorandum in support of summary judgment.

8 DATED this 6th day of April, 2023.

9 MORISSET, SCHLOSSER, JOZWIAK & SOMERVILLE

10 /s/ Thane D. Somerville
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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Thane D. Somerville
Thane D. Somerville